

Exhibit S

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

Tony Fisher, aka)	
Kellie Rehanna,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:19CV1169
)	Sara Lioi, J.
Federal Bureau of)	
Prisons, et al.,)	
)	
Defendants.)	

- - -

Deposition of Jane Barnes, a witness herein,
called on behalf of the plaintiff for oral
examination, pursuant to the Federal Rules of Civil
Procedure, taken before Karen A. Toth, Notary Public
in and for the State of Ohio, pursuant to notice,
via Zoom, on Friday, July 30, 2021, commencing at
9:24 a.m.

- - -

1 Q And that goes all the way down and it says,
2 "Then, submit a packet to the Transgender
3 Committee"?

4 A Correct.

5 Q That whole section you wrote.

6 So can you review -- it says, "Gonna
7 have to review this case and do one of the
8 following." Can you explain what the two
9 options were?

10 A For any kind of consultation for surgeries
11 generally we submit those for electronic
12 medical records, and that goes through a
13 utilization review committee for approval,
14 disapproval, a referral to the regional staff.
15 So that was one option. And the decisions --
16 like if it's an immediate life-threatening
17 acute -- things that cannot wait, the
18 institution has the decision to make that. If
19 it's considered elective in any sort, meaning
20 potential gall bladder, I need a hip
21 replacement, knee replacement, a hernia; those
22 -- you know, those are all considered elective
23 surgeries and those would go to the regional
24 level for approval.

25 Q So if I --

1 Q If Kellie is denied gender-affirming surgery
2 or it's further delayed how do you feel this
3 will affect her?

4 MR. FELDON: Objection. Calls for
5 speculation.

6 A I would agree that would be total speculation
7 because I have no idea. I'm not in a position
8 to make that kind of a decision or comment.

9 Q Did you sign off on the gender-affirming
10 surgery request for Kellie that was sent to
11 the BOP in approximately April of 2018?

12 A I'm not -- I was -- the agency is not on the
13 -- there is not a place for me to sign, or I'm
14 not part of that -- the trail of who is
15 required to sign on that.

16 Q Did you support her request for
17 gender-affirming surgery?

18 A Yes, that's why things were submitted.

19 Q Do you believe that gender-affirming surgery
20 is a medical necessity for Kellie?

21 MR. FELDON: Objection. Calls for
22 -- well, objection to form. You can answer.

23 Q Why or why not is fine.

24 A Basically I still consider it elective,
25 because just as I said previously, elective

1 surgery is a hernia that needs repaired but
2 it doesn't mean it needs done today. Knee
3 replacement, things like that. Versus you
4 need bypass and it needs done two minutes ago.

5 So anything that is not an absolute
6 medical emergency at that time is considered
7 an elective surgery medically speaking.

8 Q So if the medical problem didn't require
9 immediate attention because it was an
10 emergency you would consider it to be
11 elective?

12 A Correct. Yeah, same thing if -- I mean, that
13 goes for almost -- a variety of things.
14 Thyroid surgeries. I mean, if it -- rarely,
15 like would a thyroid surgery becomes a medical
16 necessity today. And a hernia, if it became
17 incarcerated, then becomes a medical
18 necessity.

19 Q Do you believe that Kellie would benefit from
20 a gender-affirming surgery?

21 MR. FELDON: Objection. Calls for
22 speculation.

23 A I don't -- that's kind of out of my scope.

24 MR. FELDON: Counsel, I'm going to
25 note it's 10:00 and we actually started this

1 State of Ohio,)
 2 County of Cuyahoga,) SS: CERTIFICATE

3 I, Karen A. Toth, Notary Public in and for the
 4 State of Ohio, duly commissioned and qualified, do
 5 hereby certify that the within named witness,
 6 Jane Barnes, was by me first duly sworn to
 7 testify the truth, the whole truth, and nothing but
 8 the truth in the cause aforesaid; that the testimony
 9 then given by her was by me reduced to
 10 stenotypy/computer in the presence of said witness,
 11 afterward transcribed, and that the foregoing is a
 12 true and correct transcript of the testimony so
 13 given by her as aforesaid.

14 I do further certify that this deposition was
 15 taken at the time and place in the foregoing caption
 16 specified and was completed without adjournment

17 I do further certify that I am not a relative,
 18 counsel, or attorney of either party, or otherwise
 19 interested in the event of this action.

20 IN WITNESS WHEREOF, I have hereunto set my
 21 hand and affixed my seal of office at Cleveland,
 22 Ohio on this 5th day of August, 2021.

23 *Karen A. Toth*

24 Karen A. Toth, Notary Public in
 25 and for the State of Ohio.
 My Commission expires May 6, 2023

